

BUREAU OF AUTOMOTIVE REPAIR
MODIFIED LANGUAGE OF PROPOSED REGULATIONS
AB 2289 PENALTIES

Legend: Added text is indicated by underlining.
 Previous additions which are now being deleted are indicated by ~~underlining~~
 and strikethrough.
 New additions are indicated by double underlining.

(1) Adopt new Article 11.1 to read as follows:

Article 11.1 Citations and Administrative Fines for Licensees.

(2) Adopt Section 3394.25 to Article 11.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.25. Authority to Issue Citations and Administrative Fines.

The director or his/her designee is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and/or administrative fines for violations by a licensee or contractor of Health and Safety Code section 44000 et seq. and any regulations adopted pursuant thereto.

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Sections 44002, 44050, and 44051 Health and Safety Code.

(3) Adopt Section 3394.26 to Article 11.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.26. Administrative Fine Amounts.

(a) The minimum and maximum administrative fine amounts are established in Table I, Administrative Fine Schedule. If a citation lists multiple violations arising from an inspection or repair on a single vehicle the total penalties assessed shall not exceed five thousand dollars (\$5,000) pursuant to Health and Safety Code section 44052.

(b) Penalties exceeding five thousand dollars (\$5,000) for inspections and repairs that arise from multiple vehicles shall be assessed in separate citations.

**TABLE I
ADMINISTRATIVE FINE SCHEDULE**

HEALTH & SAFETY CODE (H&S) OR CALIFORNIA CODE OF REGULATIONS (CCR) SECTION	ADMINISTRATIVE FINE AMOUNT	
H&S SECTIONS	MINIMUM	MAXIMUM
§ 44002	\$250	\$1000
§ 44011.3	\$250	\$1000
§ 44012	\$1500 \$1000	\$5000
§ 44014.4	\$250 \$750	\$1000 \$3000
§ 44014.5	\$750	\$3000
§ 44015	\$1500 \$1000	\$5000
§ 44015.5	\$1500 \$1000	\$5000
§ 44016	\$1000	\$5000
§ 44017	\$500 \$1000	\$2000 \$5000
§ 44017.3	\$250	\$1000
§ 44017.4	\$1000	\$5000
§ 44019	\$250	\$1000
§ 44032	\$1000	\$5000
§ 44033 (b)	\$750	\$3000
§ 44033 (c)	\$750	\$3000
§ 44033 (d)	\$750	\$3000
§ 44035	\$1000	\$5000
§ 44036 (b)(1)	\$750	\$3000
§ 44036.5 (b)	\$1000	\$5000
§ 44060	\$1500	\$5000

CCR SECTIONS	MINIMUM	MAXIMUM
§ 3303.3	\$250	\$1000
§ 3340.15	\$250	\$1000
§ 3340.16	\$500 \$750	\$2000 \$3000
§ 3340.16.4	\$500 \$750	\$2000 \$3000
§ 3340.16.5	\$500 \$750	\$2000 \$3000

§ 3340.17	\$1500 <u>\$1000</u>	\$5000
§ 3340.23	\$750	\$3000
§ 3340.30 (a)	\$1000	\$5000
§ 3340.30 (b)	\$250	\$1000
§ 3340.30 (c)	\$250	\$1000
§ 3340.35	\$1500 <u>\$1000</u>	\$5000
§ 3340.41 (a)	\$500 <u>\$250</u>	\$2000 <u>\$1000</u>
§ 3340.41 (b)	\$750	\$3000
§ 3340.41 (c)	\$1000	\$5000
<u>§ 3340.41 (d)</u>	<u>\$1000</u>	<u>\$5000</u>
<u>§ 3340.41 (f)</u>	<u>\$1000</u>	<u>\$5000</u>
§ 3340.41.3	\$250	\$1000
§ 3340.42	\$250 <u>\$1000</u>	\$1000 <u>\$5000</u>
§ 3340.42.2	\$1000	\$5000
§ 3340.45	\$1500 <u>\$1000</u>	\$5000
<u>§ 3340.50 (e)</u>	<u>\$750</u>	<u>\$3000</u>
<u>§ 3340.50 (f)</u>	<u>\$750</u>	<u>\$3000</u>
<u>§ 3340.50 (g)</u>	<u>\$250</u>	<u>\$1000</u>
<u>§ 3340.50 (h)</u>	<u>\$250</u>	<u>\$1000</u>
<u>§ 3353</u>	<u>\$250</u>	<u>\$1000</u>

Note: Authority cited: Section 9882, Business and Professions Code. Reference: Section 44002, 44050, 44051, and 44052 Health and Safety Code.

(4) Adopt Section 3394.27 to Article 11.1, Chapter 1, Division 33, Title 16, California Code of Regulations, to read as follows:

§ 3394.27. Compliance with Citations/Orders of Abatement.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the cited person may request an extension of time in which to complete the correction from the director or his/her designee. Such a request is subject to approval by the director or his/her designee and shall be in writing and made within the time set forth for abatement.

(b) If administrative fine(s) are not paid after a citation has become final, the administrative fine(s) shall be added to the cited person's license or registration renewal fee. A license or registration shall not be renewed without payment of the renewal fee and all administrative fines.

Note: Authority cited: Sections 9882, Business and Professions Code. Reference: Sections 44002, 44031.5, 44050, and 44051 Health and Safety Code.